

IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
MAGISTRATE CRIMINAL MINUTES

FILED
DISTRICT COURT OF GUAM

JUL 13 2005

MARY L.M. MORAN
CLERK OF COURT
TIME: 10:26 a.m. (11)

CASE NO. MG-05-00024

DATE: 7/12/2005

HON. JOAQUIN V. E. MANIBUSAN, JR., Magistrate Judge, Presiding
Court Recorder: Wanda M. Miles
Hearing Electronically Recorded: 10:26:02 - 10:46:50

Law Clerk: Judith Hattori
Courtroom Deputy: Leilani Toves Hernandez
CSO: F. Tenorio

***** A P P E A R A N C E S *****

DEFT: MATTHEW N. BIGGERS

(X) PRESENT () CUSTODY () BOND (X) P.R.

ATTY : JOHN GORMAN

(X) PRESENT () RETAINED (X) FPD () CJA APPOINTED

U.S. ATTORNEY: STEVE CHIAPPETTA

AGENT:

U.S. PROBATION: GRACE FLORES

U.S. MARSHAL: R. LUMAGUI

PROCEEDINGS: CHANGE OF PLEA / SENTENCING

- () COMPLAINT READ TO DEFENDANT
() FINANCIAL AFFIDAVIT REVIEWED AND ACCEPTED: _____, ATTORNEY APPOINTED
(X) DEFENDANT SWORN AND EXAMINED: AGE: 30 SCHOOL COMPLETED: THREE YEARS OF COLLEGE
() DEFENDANT ARRAIGNED AND ADVISED OF THEIR RIGHTS, CHARGES AND PENALTIES
() GOV'T SUMMARIZES THE EVIDENCE () GOV'T SUBMITS TO THE PLEA AGREEMENT
(X) COURT QUESTIONS DEFENDANT REGARDING HIS PHYSICAL AND MENTAL CONDITION, AND ADVISES DEFENDANT
OF THE NATURE AND POSSIBLE CONSEQUENCES OF SAID PLEA
() DEFENDANT WAIVES READING OF () COMPLAINT () INFORMATION () INDICTMENT
(X) PLEA ENTERED: (X) GUILTY () NOT GUILTY - TO: COUNT I
(X) COUNT(S) II DISMISSED ON GOVERNMENT'S MOTION

() SENTENCING DATE: _____ at _____ () STATUS HEARING: _____ at _____
() PRESENTENCE REPORT ORDERED AND DUE: _____
() PRELIMINARY EXAMINATION SET FOR: _____
() ARRAIGNMENT SET FOR: _____ at _____
() TRIAL SET FOR: _____

NOTES:

Defendant orally consented to his change of plea before a Magistrate Judge and waived his right to trial and sentencing by a District Judge. Defense requested to move into sentencing after the plea.

Defense recommended the Court not impose a term of probation and stated his reasons.

Defense requested for the defendant to serve his two day incarceration from 6pm on July 29th to 6pm on July 31st.
Government had no issue or recommendation on the matter. The Court Granted the request.

DEFENDANT SENTENCED TO A TERM OF PROBATION FOR A PERIOD OF ONE YEAR. AS A CONDITION OF PROBATION, THE DEFENDANT SHALL SERVE THE MANDATORY TERM OF IMPRISONMENT OF NOT LESS THAN 48 HOURS IN THE CUSTODY OF THE U.S. MARSHAL SERVICE TO BE SERVED FROM 6 P.M. ON JULY 29, 2005 TO 6 P.M. ON JULY 31, 2005.

THE TERM OF PROBATION WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME.
2. DEFENDANT SHALL NOT UNLAWFULLY POSSESS A CONTROLLED SUBSTANCE.
3. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISED RELEASE AS SET FORTH BY THE U.S. SENTENCING COMMISSION AND CODIFIED UNDER 18 U.S.C. § 3563.
4. DEFENDANT SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE AND SUBMIT TO ONE DRUG TEST WITHIN 15 DAYS OF RELEASE FROM IMPRISONMENT AND AT LEAST ONE DRUG TEST THEREAFTER FOR USE OF A CONTROLLED SUBSTANCE.
5. DEFENDANT SHALL PARTICIPATE IN A ALCOHOL TRAINING PROGRAM AS PROVIDED BY THE U.S. COAST GUARD.

DEFENDANT WAS ORDERED TO PAY A FINE OF \$1,000.00 AND A SPECIAL ASSESSMENT FEE OF \$25.00 IMMEDIATELY AFTER SENTENCING.

THE COURT FURTHER STATED THAT ONCE THE DEFENDANT LEAVES GUAM, HE WILL BE ON UNSUPERVISED PROBATION, HOWEVER, IS STILL SUBJECT TO THE TERMS OF PROBATION.

COURT STATED THE JUSTIFICATION OF SENTENCE IMPOSED.

TIME ENDED: 10:48 A.M.